

REMARKS

The Official Action continues to reject Claims 1-4, 6-10 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Application No. 2002/0072937 to Sue Domenick, et al. in view of U.S. Patent No. 6,285,986 to Christopher C. Andrews, Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Domenick '937 application and the Andrews '986 patent in view of Official Notice and Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Domenick '937 application and the Andrews '986 patent in further view of U.S. Patent No. 6,138,105 to Jay S. Walker, et al. As described below, independent Claims 1 and 14 have been amended in order to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. Moreover, dependent Claim 4 has been amended to have the proper verb tense. In view of the foregoing amendments and the following remarks, Applicants request reconsideration of the present application and allowance of the amended set of claims.

Independent Claim 1 recites a method for providing information on packages of items that includes the steps of: (i) receiving a request identifying an interest in a set of items, (ii) identifying potential providers capable of providing items that may satisfy the identified interest in response to receiving the request, (iii) packaging multiple items from a plurality of different providers selected from the potential providers into a package of items in response to receiving the request, (iv) determining compensation for at least one selling agent based upon the package of items, and (v) providing information reflecting the package of items in response to the request. As now-amended, independent Claim 1 further recites that the packaging of the multiple items from the plurality of providers is based upon preset arrangements with the respective potential providers. See, for example, pages 5, 9 and 12 of the present application. Thus, the method of Claim 1 can dynamically assemble packages based not only upon the request submitted by a potential customer, but also based upon arrangements that the supplier has with various potential providers, thereby allowing the supplier to assemble package(s) that satisfy the user's request, but that also make the most business sense to the supplier (such as by rendering the greatest profit) as dictated by the arrangements with the various potential providers.

The other independent claim, Claim 14, is directed to a system for providing information on packages of items and includes a package request processor, an item/provider database and a compensation processor for generally performing comparable functions to those set forth by independent Claim 1. In this regard, Claim 14 has also been amended such that the package request processor packages multiple items from a plurality of different providers based upon preset arrangements with the respective potential providers.

As described below, the cited references, taken either individually or in combination, do not teach or suggest the claimed invention. In this regard, although the Official Action continues to reference the Domenick '937 application in conjunction with the various rejections, Applicants wish to reiterate that the Domenick '937 application is only prior art for that subject matter that was first disclosed by the provisional application from which it claims priority, that is, U.S. Provisional Application No. 60/212,847, since subject matter that was newly added in the Domenick '937 application that was not disclosed by the '847 provisional application is not prior art relative to the present application.

The '847 provisional application describes a Special Fares Packaging System that was contemplated by United Airlines. The '847 provisional application primarily describes prepackaged trips that are advertised via email. As noted by the Official Action, however, the '847 provisional application does permit a user to customize or at least submit requests to customize one or more of the prepackaged trips. However, those customized trips are based upon customer requests and/or input and are not described to be based upon preset arrangements with the respective potential providers as recited by amended independent Claims 1 and 14. In other words, the customized trips contemplated by the '847 provisional application appear to take into account customer input, but are not described to be constructed based upon any preset arrangements, such as graduated pricing arrangements or the like, with the potential providers that might otherwise guide the construction of the resulting package in some manner different than dictated by the customer request alone.

The secondary references likewise fail to teach or suggest that the packaging of the multiple items from the plurality of providers is based not only upon the request from a potential customer, but also upon preset arrangements with the respective potential providers, as now

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recited by amended independent Claims 1 and 14. In fact, neither secondary reference is even directed to dynamic packaging as is the claimed invention. Instead, the Andrews '986 patent and the Walker '105 patent both generate various packages in advance of any request from a potential purchaser.

For at least the forgoing reasons, Applicants submit that independent Claims 1 and 14, as well as Claims 2-13 and 15-18 by dependency, are not taught or suggested by '847 provisional application (the disclosure of which serves as the only potential basis by which portions of the Domenick '937 application may be considered prior art), taken either individually or in combination with the Andrews '986 patent and the Walker '105 patent. As such, the rejections of the claims under 35 U.S.C. § 103(a) are therefore overcome.


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CONCLUSION

In light of the foregoing remarks and the amended claims, Applicants submit that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

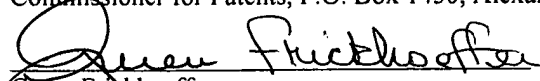


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